
Weekly Session Report

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Prepared for the Illinois Radiological Society - for the week beginning March 28, 2011.

The House and Senate both return to Springfield this week from a week of Spring Break. Both chambers will now focus primarily on moving bills out of their chamber and over to the opposite chamber for consideration therefore, the majority of time will be spent on the floor of their chambers on 2nd and 3rd Readings of bills. There are a number of changes to report in the status of bills on this report from the last report. I have removed bills that were of only partial concern to radiology. If you have questions about any bills that have been removed from the report, feel free to contact me.

There may be a notation of amendments that have been filed for consideration but, are not yet adopted. As the substantive committee deadline passed last week, there are a significant number of bills that have been returned to the Rules or Committee on Assignments for failure to be moved on to the floor in their respective chamber. Those bills have been removed in order to save space. If some action should be taken that would bring them back in a position for consideration, we will add them back to the report. It is possible that some bills have had an extended deadline. Extended deadlines are noted. If you have any questions, or need additional information, please feel free to contact us.

Bill: HB 105 (Flowers-D/) PATIENT RIGHT TO KNOW ACT
Status: Placed on SENATE Calendar Order of 1st Reading – March 2, 2011

Creates the Patients' Right to Know Act. Provides for the Department of Financial and Professional Regulation to make available to the public a profile of each licensed physician and chiropractor on an Internet website or in writing if requested by an individual.

Bill: HB 220 (Franks-D/Dillard-R) MED PRACT ACT-SEX OFFENDERS
Status: Referred to SENATE Committee on Assignments - March 14, 2011

Amends the Medical Practice Act. Provides that the Department of Financial and Professional Regulation shall revoke the license or visiting permit of any person issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery, who has been convicted of committing certain sexual or violent crimes against a patient.

House Committee Amendment #1

Provides that no person registered as a sex offender may receive a license as a health care worker in Illinois. Adds provisions concerning the confidentiality of certain information and documents. Effective immediately.

House Committee Amendment #2

Requires that a health care worker who fails to comply with an administrative order, fails to file a compliance plan, or fails to follow the compliance plan shall subject the health care worker to temporary suspension of his or her professional license until the completion of the criminal proceedings. Changes certain references from "discipline" to "revocation". Makes other changes.

Bill: HB 223 (Flowers-D) HEALTH CARE IMPLEMENTATION
Status: Placed on HOUSE Calendar Order of 2nd Reading – March 9, 2011

Amends the Health Care Justice Act. Provides that the mission goals of the Health Care Justice Implementation Task Force are to monitor the implementation of the federal health care reforms and make recommendations, report concerning additional reforms needed to ensure affordable health care, assess current programs, and issue recommendations concerning the implementation of a statewide health insurance plan offered by the State.

House Committee Amendment #1

Replaces everything after the enacting clause. Creates the Health Care Justice Implementation Act of 2011. Provides that the mission goals of the Health Care Justice Implementation Task Force are to monitor the implementation of the federal health care reforms and make recommendations, report concerning additional reforms needed to ensure affordable health care, assess current programs, and issue recommendations concerning the implementation of a statewide health insurance plan offered by the State.

House Committee Amendment #2

Inserts reference to habilitative and preventative services . Full text of amendment can be viewed at:
<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB0223ham002&GA=97&SessionId=84&DocTypeld=HB&LegID=54836&DocNum=223&GAID=11&Session=>

Bill: HB 224 (Flowers-D) HEALTH CARRIER EXTERNAL REVIEW
Status: Placed on HOUSE Calendar Order of 2nd Reading – March 9, 2011

Amends the Health Carrier External Review Act in the provision concerning standard external review. Provides that whenever a request is eligible for external review (1) the health carrier shall, within 2 (instead of 5) business days, request the Director of Insurance to assign an independent review organization (now, from the list of approved independent review organizations compiled and maintained by the Director) and (2) within 3 business days after receiving the health carrier's request, the Director shall assign, on a rotating basis, an independent review organization from the list of approved independent review organizations compiled and maintained by the Director.

Bill: HB 1077 (Rose-R) PUBLIC AID JUDGEMENT-COLLECTIONS
Status: Placed on HOUSE Calendar Order of 2nd Reading – March 9, 2011

Amends the Illinois State Collection Act. Exempts the Department of Healthcare and Family Services and the Department of Human Services from the requirements of the Act in regard to financial aid or health care benefits debts.

House Committee Amendment #1

Replaces everything after the enacting clause. Amends the Illinois Public Aid Code. Extends the amount of time granted to the Department of Healthcare and Family Services regarding its report to the General Assembly on the number of fraud cases identified and pursued under the medical assistance program, and the fines assessed and collected.

Bill: HB 1191 (Harris-D) INSURANCE-PATIENT CARE
Status: Placed on HOUSE Calendar Order of 2nd Reading - March 16, 2011

Amends various insurance related laws, both public and private, and sets forth provisions concerning coverage for routine patient care with regard to denial, limits, additional conditions, and discrimination concerning approved clinical trials according to the trial protocol with respect to the treatment of cancer or other life-threatening diseases or conditions. Amends the Radiation Protection Act concerning limitations on application of radiation to human beings and requirements for radiation installation operators providing mammography services. Provides that each facility that performs mammograms shall upon request by or on behalf of the patient transfer the original mammograms and copies of the reports without charge to the patient. Makes other changes.

House Amendment #1 (Filed but, not yet adopted)

Text of the amendment can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1191ham001&GA=97&SessionId=84&DocType=HB&LegID=57127&DocNum=1191&GAID=11&Session=> Deletes the introduced bill and replaces language with amendment to the Insurance Code. Adds section related to clinical trial participation.

House Amendment #2 (Filed but, not yet adopted)

Amends the Insurance Code. Adds a section regarding participation in qualified clinical cancer trials. Requires coverage of routine care to insureds participating in qualified clinical cancer trials. Text of amendment can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1191ham002&GA=97&SessionId=84&DocType=HB&LegID=57127&DocNum=1191&GAID=11&Session=>

House Amendment #3 (Filed but, not yet adopted)

Deletes language of introduced bill. Adds language similar to that in Amendment #2. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1191ham003&GA=97&SessionId=84&DocType=HB&LegID=57127&DocNum=1191&GAID=11&Session=>

House Amendment #4 (Filed but, not yet adopted)

Deletes language of introduced bill. Adds language similar to that in Amendment #2 and/or #3. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1191ham004&GA=97&SessionId=84&DocType=HB&LegID=57127&DocNum=1191&GAID=11&Session=>

House Amendment #5 (Filed but, not yet adopted)

Deletes language of introduced bill. Adds language similar to that in other filed amendments. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1191ham005&GA=97&SessionId=84&DocType=HB&LegID=57127&DocNum=1191&GAID=11&Session=>

Bill: HB 1271 (Burns-D) HEALTH CARE WORKER-SEX CRIME
Status: Placed on HOUSE Calendar Order of 2nd Reading - March 3, 2011

Amends the Department of Professional Regulation Law. Provides that any licensed health care worker, who has been convicted of certain sexual or violent criminal acts or one that requires registration under the Sex Offender Registration Act against a patient in the course of patient care or treatment shall by have their license permanently revoked without a hearing. Provides that no person registered as a sex offender may receive a license as a health care worker in Illinois.

HB 1271 Cont.

House Amendment #1 (Filed but, not yet adopted)

Amendment makes a number of changes to the introduced bill, inserting clarifying language. Text can be viewed at: <http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1271ham001&GA=97&SessionId=84&DocType=HB&LegID=57256&DocNum=1271&GAID=11&Session=>

House Amendment #2 (Filed but, not yet adopted)

This amendment makes similar changes to those contained in House Amendment #1, inserting clarifying language. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1271ham002&GA=97&SessionId=84&DocType=HB&LegID=57256&DocNum=1271&GAID=11&Session=>

Bill: HB 1425 (Currie-D) DHFS-ELECTRONIC HEALTH REC FUND
Status: Placed on HOUSE Calendar 2nd Reading - Short Debate (March 8, 2011)

Amends the State Finance Act and the Public Aid Code. Creates the Electronic Health Record Incentive Fund. Provides that all federal moneys received by DHFS for payments to qualifying health care providers to encourage the adoption and use of certified electronic health records technology pursuant to the Social Security Act, shall be deposited into the Fund. Further provides that disbursements may be made from the Fund to qualifying health care providers to encourage the adoption and use of certified electronic health records technology. Effective immediately.

House Amendment #1 (Filed but, not yet adopted)

Amendment deletes the language of the introduced bill and replaces it. Establishes Electronic Health Record Incentive Fund and program. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1425ham001&GA=97&SessionId=84&DocType=HB&LegID=57980&DocNum=1425&GAID=11&Session=>

House Amendment #2 (Filed but, not yet adopted)

Amendment deletes the language of the introduced bill and replaces it. Language is similar to that in House Amendment #1. Establishes Electronic Health Record Incentive Fund and program. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1425ham002&GA=97&SessionId=84&DocType=HB&LegID=57980&DocNum=1425&GAID=11&Session=>

Bill: HB 1476 (Flowers-D) MED PRACTICE ACT-COMPLAINTS
Status: Placed on HOUSE Calendar 3rd Reading - March 17, 2011

Amends the Medical Practice Act. Provides that upon any person's request, the Department of Financial and Professional Regulation shall disclose the status of the Disciplinary Board's review of a specific report or complaint. The request may be made at any time, including prior to the Disciplinary Board's determination as to whether there are sufficient facts to warrant further investigation or action. The Department shall, at least 14 days prior to the date set for the hearing, notify in writing any person who filed a complaint against the accused of the time and place for the hearing of the charges against the accused before the Disciplinary Board and inform such person whether he or she may provide testimony at the hearing.

HB 1476 Cont.

House Committee Amendment #1

Provides that the Department of Professional Regulation shall disclose the status of the Disciplinary Board's review of a specific report or complaint to the individual or entity who filed the original report or complaint (rather than any person). Makes other changes.

Bill: HB 1528 (Lang-D/Steans-D) CONTROLLED SUBST-ELECTRONIC RX
Status: Referred to SENATE Committee on Assignments – March 14, 2011

Amends the Illinois Controlled Substances Act. Makes various changes relating to mid-level practitioner registration. Provides that a prescriber who is otherwise authorized to prescribe controlled substances in Illinois may issue an electronic prescription for Schedule II, III, IV, and V controlled substances if done in accordance with federal rules for electronic prescriptions for controlled substances. Provides that physicians may issue multiple prescriptions (3 sequential 30-day supplies) for the same Schedule II controlled substances authorizing up to a 90-day supply. Makes other changes.

Bill: HB 1562 (Hatcher-R) HLTH FINACE REFORM-CLAIMS DATA
Status: Placed on HOUSE Calendar Order of 2nd Reading – March 9, 2011

Amends the Illinois Health Finance Reform Act. Provides that claims and encounter data required to be submitted by hospitals and ambulatory surgical treatment centers shall state the percentage of claims and encounter data that is attributable to administrative costs and provide an explanation of all assumptions and factors used to calculate such percentages.

House Amendment #1 (Filed but, not yet adopted)

Amendment deletes all of the language of the introduced bill. Amends the Illinois Health Finance Reform Act. Requires the Department of Public Health to make information on the Hospital Report Card Act available on the internet. Full text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1562ham001&GA=97&SessionId=84&DocTypeld=HB&LegID=58712&DocNum=1562&GAID=11&Session=>

House Amendment #2 (Filed but, not yet adopted)

This amendment is similar in content to House Amendment #1. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1562ham002&GA=97&SessionId=84&DocTypeld=HB&LegID=58712&DocNum=1562&GAID=11&Session=>

Bill: HB 1825 (Williams-D) INS-CANCER-DRUG-CLINIC TRIAL
Status: Placed on HOUSE Calendar Order of 3rd Reading – March 17, 2011

Amends the Illinois Insurance Code. Provides that accident and health insurance policies that provide coverage for prescribed orally-administered cancer medications and IV administered or injected cancer medications shall ensure that the applicable financial requirements and treatment limitations are no more restrictive than those applied to intravenously administered or injected cancer medications that are covered by the policy. Provides that an insurer cannot achieve compliance with the coverage mandate by increasing financial requirements or imposing more

HB 1825 Cont.

restrictive treatment limitations on prescribed orally-administered cancer medications or intravenously administered or injected cancer medications covered under the policy. Effective immediately.

Bill: HB 1973 (Reitz-D) DFPR-REMOVE PUBLIC RECORD
Status: Placed on HOUSE Calendar Order of 2nd Reading – March 16, 2011

Amends the Department of Professional Regulation Law. Any licensee disciplined under a licensure Act administered by the DPR for an offense relating to the failure to pay taxes, child support, or student loans or relating to continuing education or advertising may file a petition with the Department on forms provided by the Department, along with the required fee of \$200, to have the records of that offense removed from public view on the Department's website if certain conditions are met. Nothing shall prohibit the Department from using a previous discipline for any regulatory purpose or from releasing records of a previous discipline upon request from law enforcement, other governmental body, or the public.

House Amendment #1 (Filed but, not yet adopted)

Amendment adds language clarifying that none of the provisions are applicable to real estate appraisers. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1973ham001&GA=97&SessionId=84&DocType=HB&LegID=59175&DocNum=1973&GAID=11&Session=>

House Amendment #2 (Filed but, not yet adopted)

Similar language to that in House Amendment #1. Amendment adds language clarifying that none of the provisions are applicable to real estate appraisers. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700HB1973ham002&GA=97&SessionId=84&DocType=HB&LegID=59175&DocNum=1973&GAID=11&Session=>

Bill: SB 40 (Garrett-D) HEALTH FACILITIES PERMITS
Status: Placed on SENATE Calendar Order of 2nd Reading – March 15, 2011

Amends the Illinois Health Facilities Planning Act. Sets forth the requirements for the review of a permit application to establish, construct, or modify a health care facility. Provides that the Health Facilities and Services Review Board shall afford an opportunity for a public hearing concerning a permit application. Sets forth the requirements for post-permit reports. Extends the deadline for the Health Facilities and Services Review Board to establish certain rules concerning long-term care to September 30, 2011. Provides that a permit holder who fails to comply with certain post-permit and reporting requirements shall be fined an amount not to exceed \$10,000 plus an additional \$10,000 for each 30-day period, or fraction thereof, that the violation continues. Makes other changes.

Senate Committee Amendment #1

Further amends the Illinois Health Facilities Planning Act. Provides that the Health Facilities and Services Review Board shall, upon request, afford an opportunity for a public hearing within a reasonable amount of time after receipt of a complete permit application to establish, construct, or modify a health care facility. Provides that the Health Facilities and Services Review Board shall review within 120 days projects to construct (i) a new or replacement health care facility located on a new site or (ii) a replacement health care facility located on the same site as the original health care facility and the cost of the replacement healthcare facility exceeds the capital expenditure minimum. Provides that, beginning 6 months after the effective date of the amendatory Act, the Health Facilities and

SB 40 Cont.

Services Review Board shall notify, in writing, a permit holder of the due date for the post-permit requirements no later than 30 days before the due date for the requirements.

Bill: SB 72 (Haine-D) INS-NONPARTICIPATING PROVIDERS
Status: Placed on SENATE Calendar Order of 2nd Reading – March 15, 2011

Amends the Illinois Insurance Code. Makes changes to the provision concerning disclosure of limited benefits. Provides that when a beneficiary, insured, or enrollee utilizes a participating network hospital or a participating network ambulatory surgery center and, due to any reason, in network services for radiology, anesthesiology, pathology, emergency physician, or neonatology are unavailable and are provided by a nonparticipating facility-based physician or provider, the insurer or health plan shall ensure that the beneficiary, insured, or enrollee shall incur no greater out-of-pocket costs than the beneficiary, insured, or enrollee would have incurred with a participating physician or provider for covered services. Sets forth provisions concerning written explanation of benefits, billing, assignment, negotiated reimbursement, arbitration, prudent laypersons, failure to make an offer of payment, and noncovered services.

Senate Committee Amendment #1

Replaces everything after the enacting clause. Amends the Illinois Insurance Code. Makes a technical change in a Section concerning provisions in accident and health insurance policies permitted or required by other jurisdictions.

Bill: SB 1350 (McCarter-D) TRUTH IN HEALTH CARE-COVERAGE
Status: Placed on SENATE Calendar Order of 3rd Reading – March 8

Amends the Truth in Health Care Professional Services Act. Provides that health care professionals and licensee as defined in the Truth in Health Care Professional Services Act applies to individuals who work in a hospital or in an ambulatory surgical treatment center as defined by the Ambulatory Surgical Treatment Center Act. Effective immediately.

Senate Committee Amendment #1

Replaces everything after the enacting clause. Amends the Truth in Health Care Professional Services Act. Provides that "health care professional" does not include an individual licensed as a dentist. Effective immediately.

Bill: SB 1388 (Frerichs-D) MED PRACT-SUNSET-EXAM-REENACT
Status: POSTED For Hearing to SENATE Judiciary Committee – March 29

Amends the Regulatory Sunset Act. Extends the repeal date of the Medical Practice Act to January 1, 2021. Also includes revisory changes. Provides that in determining what action to take or whether to proceed with prosecution of a complaint, the Complaint Committee shall consider recommendations made by the Department. Sets forth criteria that the Licensing Board may consider in making a determination of professional capacity, and makes other changes concerning professional capacity. Makes a change concerning a visiting professor permit. Changes references from "licensure without examination" to "licensure by endorsement". Makes a change concerning requiring an examination. Adds specific requirements for mental and physical examinations required by the Licensing Board or Disciplinary Board, and authorizes a substance abuse or sexual offender evaluation. Changes the reporting

SB 1388 Cont.

requirements for State's Attorneys. Allows the disclosure of certain confidential information to a medical licensing authority of another state or jurisdiction in certain instances. Repeals a Section concerning the practice of medicine by persons licensed in any other state who have applied for a license to practice medicine in this State. Makes other changes. Also reenacts certain provisions of Public Act 94-677, which was declared to be unconstitutional; includes explanatory and validation provisions. Effective immediately.

Senate Amendment #1 (Filed but, not yet adopted)

Amendment deletes the existing and re-writes the bill. Full text of amendment can be viewed at:

<http://www.ilga.gov/legislation/97/SB/09700SB1388sam001.htm>

Senate Amendment #2 (Filed but, not yet adopted)

Amendment makes changes to the bill, as amended with Amendment #1. Makes changes in definition of chiropractic physician and other changes. Full text at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700SB1388sam002&GA=97&SessionId=84&DocTypeld=SB&LegID=57255&DocNum=1388&GAID=11&Session=>

Bill: SB 1540 (Martinez-D) MEDICAL PRACTICE ACT
Status: POSTED For Hearing to SENATE Judiciary Committee – March 29

Amends the Medical Practice Act to reenact certain provisions of Public Act 94-677, declared to be unconstitutional. Includes explanatory, validation, and severability provisions. Makes certain changes relating to the reenactment. Amends the Regulatory Sunset Act. Extends the repeal date of the Medical Practice Act to December 31, 2021. Further amends the Medical Practice Act. Makes changes in provisions concerning definitions; civil penalties for unlicensed practice; exemptions; the Medical Disciplinary Board; the Complaint Committee; the Medical Licensing Board; matters concerning advanced practice nurses; applications for licenses; criminal background checks; education standards; temporary licenses; visiting professor, physician, or resident permits; licensure without examination; continuing education; license renewal and fees; disciplinary action; reports related to professional conduct and capacity; license suspension; advertising; purchasing and dispensing legend drugs; hearing officers; hearings and notice; disclosure of information; reports of the Disciplinary Board's findings and recommendations; certification of record; prima facie proof; restoration of licenses; authority of the Director and the Department; criminal penalties; and public nuisances. Makes other changes. Effective immediately.

Bill: SB 1762 (Dillard-R) HEALTH CARE WORKER-SEX CRIME
Status: Placed on SENATE Calendar Order of 2nd Reading – March 3, 2011

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides that any licensed health care worker, who has been (1) convicted of committing a sexual criminal act that requires registration under the Sex Offender Registration Act against a patient in the course of patient care or treatment, (2) has been convicted of a criminal battery against any patient, (3) a forcible felony, or (4) required as part of a criminal sentence to register under the Sex Offender Registration Act, then the license of the health care worker shall by operation of law be permanently revoked without a hearing. Provides that no person registered as a sex offender may receive a license as a health care worker in Illinois. Requires that within 15 business days after receiving notice from the State's Attorney of the filing of criminal charges against the health care worker, the Secretary shall issue an administrative order that the health care worker may only practice with a chaperone during all patient encounters

SB 1762 Cont.

pending the outcome of the criminal proceedings. Adds provisions concerning the confidentiality of certain information and documents. Effective immediately.

Senate Amendment #1 (Filed but, not yet adopted)

Amendment makes a number of additions to clarify language in the bill. Text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700SB1762sam001&GA=97&SessionId=84&DocTypeId=SB&LegID=57808&DocNum=1762&GAID=11&Session=>

Senate Amendment #2 (Filed but, not yet adopted)

Amendment is similar in content to Amendment #1. Makes several additions to the bill to clarify current language.

Full text can be viewed at:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=09700SB1762sam002&GA=97&SessionId=84&DocTypeId=SB&LegID=57808&DocNum=1762&GAID=11&Session=>

Bill: SB 1945 (Delgado-D) **COMPREHENSIVE HLTHCARE ACT**
Status: Placed on SENATE Calendar Order of 3rd Reading – March 10, 2011

Creates the Comprehensive Healthcare Workforce Planning Act. Establishes the State Healthcare Workforce Council to provide an assessment of health care workforce trends, training issues, and financing policies and to recommend appropriate government and private sector efforts to address needs. The Council's work shall focus on health care workforce supply and distribution; cultural competence and minority participation in health professions education; primary care training and practice; and data evaluation and analysis. Contains provisions concerning members; preparation of a comprehensive healthcare workforce plan by IDPH and the Council; and reimbursement .

Senate Committee Amendment #1

Adds an effective date of July 1, 2012.

Bill: SB 2256 (Haine-D) **INS CD-PROVIDER CONTRACT**
Status: Placed on SENATE Calendar Order of 2nd Reading – March 17, 2011

Amends the Illinois Insurance Code. Provides that no insurer shall implement any change to a provider contract that may adversely impact reimbursement unless, prior to the effective date of the change, the insurer gives the health care provider with whom the insurer has directly contracted and who is impacted by the change at least 60 days written notice of the change. Sets forth provisions concerning notice.

Senate Committee Amendment #1

Replaces everything after the enacting clause. Amends the Illinois Insurance Code. Makes a technical change in a Section concerning the short title.

Bill: SJR 18 (Brady-R) FED AFFORDABLE CARE ACT
Status: POSTPONED in SENATE Executive Committee – March 16, 2011

Sets forth the General Assembly's exposition concerning the federal Patient Protection and Affordable Care Act.

Bill: SJRCA 14 (Noland-D) CON AMEND-UNIV HEALTH CARE COV
Status: Assigned to SENATE Executive Committee – March 3, 2011

Proposes to amend the Bill of Rights Article of the Illinois Constitution to provide that the State shall enact on or before May 31, 2014 a plan for universal health care coverage for all persons. Effective upon being declared adopted.